

FILED
CLERK

1:39 pm, Aug 17, 2023

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

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In Re: ADDITIONAL CHILD VICTIMS ACT CASES
REMOVED FROM STATE COURT.

For Online Publication Only

ORDER

2:23-cv-04580 (JMA) (ST)
and related cases

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AZRACK, United States District Judge:

Currently pending before the undersigned are 58 actions brought under the New York Child Victims Act, each alleging sexual abuse. These actions were all recently removed from state court. After removal, the plaintiffs filed motions to remand and/or the parties entered into scheduling stipulations that address motions to remand.

In an August 10, 2023 decision, the Honorable Gary R. Brown remanded 42 similar sexual abuse cases. *In re Child Victims Act Cases Removed From State Ct.*, No. CV 23-5029(GRB), 2023 WL 5123396, at *5 (E.D.N.Y. Aug. 10, 2023). The undersigned finds Judge Brown's decision persuasive. The 58 cases pending before the undersigned are hereby remanded back to state court for the reasons set out in Judge Brown's August 10, 2023 decision. The Court finds that mandatory abstention applies here. The Court also finds that, even if mandatory abstention were inapplicable here, remand would still be warranted under the doctrines of permissive and equitable abstention.

The Court has also considered the defendants' arguments that this Court should defer ruling on remand pending proceedings before the Honorable Lorna G. Schofield in the Southern District of New York. The Court, however, again finds Judge Brown's decision persuasive on this point.

Accordingly, the 58 cases identified below are hereby remanded back to state court. The Clerk of the Court is directed to transfer the appropriate records to the clerks of the relevant state courts, and to close these cases.

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| 1 | <i>O'Dea v. Diocese of Brooklyn et al,</i> 1:23-cv-05038-JMA-SIL |
| 2 | <i>Davidson v. St. Hugh of Lincoln Roman Catholic Church,</i> 2:23-cv-04580-JMA-ST |
| 3 | <i>O'Brien v. St. Agnes Roman Catholic Cathedral,</i> 2:23-cv-04696-JMA-SIL |
| 4 | <i>Sussi-Pabilonia v. St. Dominic Elementary School et al,</i> 2:23-cv-04698-JMA-ST |
| 5 | <i>Phanithavong v. St. Pius X Roman Catholic Church,</i> 2:23-cv-04711-JMA-AYS |
| 6 | <i>T.A. v. St. Ignatius Loyola Roman Catholic Church,</i> 2:23-cv-04724-JMA-LGD |
| 7 | <i>Wall v. Holy Name of Mary Roman Catholic Church, et al.,</i> 2:23-cv-04726-JMA-LGD |
| 8 | <i>Schlich v. St. Mary of the Isle Roman Catholic Church, et al,</i> 2:23-cv-04750-JMA-ST |
| 9 | <i>A.T. v. St. Joseph's Roman Catholic Church,</i> 2:23-cv-04756-JMA-LGD |
| 10 | <i>JA-005 Doe v. Theodore Roosevelt Council, Inc. et al,</i> 2:23-cv-04780-JMA-ST |
| 11 | <i>ARK 385 Doe v. Franciscan Brothers of Brooklyn et al,</i> 2:23-cv-04794-JMA-LGD |
| 12 | <i>T.C. v. St. Bernard's Roman Catholic Church,</i> 2:23-cv-04836-JMA-ST |
| 13 | <i>T.V. v. St. Raphael Parish,</i> 2:23-cv-04843-JMA-ST |
| 14 | <i>W.B. v. St. Martha Roman Catholic Church et al,</i> 2:23-cv-04847-JMA-SIL |
| 15 | <i>McCoy v. St. Barnabas the Apostle Roman Catholic Church et al,</i> 2:23-cv-04870-JMA-ST |
| 16 | <i>JA-130 Doe v. Our Lady of Fatima Roman Catholic Church,</i> 2:23-cv-04875-JMA-AYS |
| 17 | <i>ARK495 Doe v. The Marist Brothers Province of The United States, et al,</i> 2:23-cv-04877-JMA-LGD |
| 18 | <i>ARK493 Doe v. St. Dominic's, et al,</i> 2:23-cv-04879-JMA-LGD |
| 19 | <i>Maynard v. St. Brigid/Our Lady of Hope Regional School, et al,</i> 2:23-cv-04883-JMA-SIL |
| 20 | <i>ARK516 Doe v. St. Brigid et al,</i> 2:23-cv-04902-JMA-ST |
| 21 | <i>Daimler v. Notre Dame Parish et al,</i> 2:23-cv-04916-JMA-LGD |
| 22 | <i>RKNassau2 Doe v. St. Raymond Parish, et al,</i> 2:23-cv-04949-JMA-ST |
| 23 | <i>RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,</i> 2:23-cv-04980-JMA-AYS |

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| 24 | <i>May v. Saint Isidore School et al,</i> 2:23-cv-04981-JMA-AYS |
| 25 | <i>Foulkes v. St. Mary's College Preparatory High School, et al,</i> 2:23-cv-04985-JMA-SIL |
| 26 | <i>ARK562 Doe v. St. Thomas, et al,</i> 23-cv-04989-JMA-LGD |
| 27 | <i>Diffley v. St. Anthony of Padua Roman Catholic Church,</i> 23-cv-04992-JMA-ST |
| 28 | <i>Lello v. St. Luke's Roman Catholic Church et al,</i> 2:23-cv-04995-JMA-LGD |
| 29 | <i>ARK544 Doe v. St. Patrick et al,</i> 2:23-cv-04997-JMA-LGD |
| 30 | <i>ARK609 Doe v. St. Hugh of Lincoln et al,</i> 2:23-cv-05005-JMA-SIL |
| 31 | <i>Doe v. Franciscan Brothers of Brooklyn et al,</i> 2:23-cv-05008-JMA-ARL |
| 32 | <i>ARK537 Doe v. SS Cyril and Methodius et al,</i> 2:23-cv-05013-JMA-ST |
| 33 | <i>Tribuzio v. St. John the Evangelist R.C. Church et al,</i> 2:23-cv-05019-JMA-AR |
| 34 | <i>Alongi v. St. Hugh of Lincoln School et al,</i> 2:23-cv-05020-JMA-LGD |
| 35 | <i>Hotchkiss v. St. Joseph Roman Catholic Church,</i> 2:23-cv-05028-JMA-SIL |
| 36 | <i>Pellegrino v. St. Luke's Roman Catholic Church,</i> 2:23-cv-05058-JMA-SIL |
| 37 | <i>Sloan v. St. Hugh of Lincoln Roman Catholic Church et al,</i> 2:23-cv-05064-JMA-AYS |
| 38 | <i>Purcell v. Church of St. Patrick,</i> 2:23-cv-05081-JMA-AYS |
| 39 | <i>Martin v. Franciscan Brothers of Brooklyn et al,</i> 2:23-cv-05089-JMA-AYS |
| 40 | <i>ARK575 Doe v. Sisters of Charity of the Blessed Virgin Mary et al,</i> 2:23-cv-05097-JMA-AYS |
| 41 | <i>ARK576 Doe v. St. Raphael et al,</i> 2:23-cv-05101-JMA-LGD |
| 42 | <i>Billone v. St. Anthony of Padua School et al,</i> 2:23-cv-05103-JMA-AYS |
| 43 | <i>Grace De Libero v. St. Anthony's Roman Catholic Church et al,</i> 2:23-cv-05105-JMA-LGD |
| 44 | <i>Morrison v. Our Lady Queen of Martyrs Catholic Church,</i> 2:23-cv-05117-JMA-LGD |
| 45 | <i>ARK560 Doe v. Mary Immaculate et al,</i> 2:23-cv-05120-JMA-LGD |
| 46 | <i>Esposito v. Seton Hall High School et al,</i> 2:23-cv-05121-JMA-AYS |

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| 47 | <i>Heffernan v. St. John of God Roman Catholic Church,</i> 2:23-cv-05124-JMA-LGD |
| 48 | <i>ARK621 Doe v. St. Gerard Majella et al,</i> 2:23-cv-05144-JMA-LGD |
| 49 | <i>PB-55 Doe v. The Roman Catholic Archdiocese of New York et al,</i> 2:23-cv-05150-JMA-AYS |
| 50 | <i>ARK662 Doe v. Catholic Youth Organization et al,</i> 2:23-cv-05159-JMA-ST |
| 51 | <i>Baynes v. Holy Family Roman Catholic Church et al,</i> 2:23-cv-05191-JMA-SIL |
| 52 | <i>ARK656 Doe v. St. Hedwig's et al,</i> 2:23-cv-05194-JMA-ST |
| 53 | <i>Frick v. St. Agnes Roman Catholic Cathedral et al,</i> 2:23-cv-05209-JMA-ST |
| 54 | <i>Srubinski v. St. Ladislaus Roman Catholic Parish, et al,</i> 2:23-cv-05213-JMA-AYS |
| 55 | <i>ARK674 Doe v. St. Aiden's, et al.,</i> 2:23-cv-05217-JMA-AYS |
| 56 | <i>Leat v. Holy Trinity High School, et al,</i> 2:23-cv-05221-JMA-SIL |
| 57 | <i>Altenburg v. Roman Catholic Parish of St. Agnes Cathedral et al,</i> 2:23-cv-05222-JMA-LGD |
| 58 | <i>ARK457 Doe v. Holy Family et al,</i> 2:23-cv-05374-JMA-LGD |

SO ORDERED.

Dated: August 17, 2023
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE